

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JUANITA MCCLAUGHLIN,

Plaintiff,

v.

ZIRCOA INC.,

Defendant.

CASE NO.

JUDGE

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Zircoa Inc. (“Defendant”) hereby removes the following Ohio state court action to this Court: *Juanita McLaughlin v. Zircoa, Inc.*, Case No. CV-13-814290, Cuyahoga County Court of Common Pleas. Defendant is entitled to remove this action because this Court has original jurisdiction over the single asserted claim, which presents a federal question under 28 U.S.C. § 1331.

1. On or about September 24, 2013, Plaintiff Juanita McLaughlin (“Plaintiff”) commenced this action by filing a Complaint in the Court of Common Pleas for Cuyahoga County, Ohio. Copies of the Complaint and Summons are attached as Exhibit A. The Complaint and Summons constitute all filings served upon Defendant to date.

2. Defendant received service of the Complaint and Summons on or about October 1, 2013. Because thirty days have not yet passed since Defendant’s receipt of service, removal is timely under 28 U.S.C. § 1446(b)(1).

3. In her Complaint, Plaintiff asserts a single claim, which alleges an improper denial of disability benefits under The Employee Retirement Income and Security Act of 1974 (“ERISA”), 29 U.S.C. § 1132(a)(1)(B). (*See generally* Ex. A.)

4. Based upon the face of Plaintiff's Complaint, it is evident that this action arises under federal law—specifically, ERISA. Pursuant to 29 U.S.C. § 1132(e)(1), the federal courts are expressly granted jurisdiction over claims brought under 29 U.S.C. § 1132(a)(1)(B).

5. Because Plaintiff's claim presents a federal question, this Court has original jurisdiction over this action under 28 U.S.C. § 1331. Defendant, therefore, is entitled to remove this action to this Court pursuant to 28 U.S.C. § 1441(a).

This Notice of Removal has been signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. Additionally, pursuant to 28 U.S.C. § 1446(d), Defendant will provide Plaintiff with written notice of this filing and will file a copy of this Notice of Removal with the Clerk of Courts for the Cuyahoga County Court of Common Pleas. Accordingly, Defendant hereby removes this action to the U.S. District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

s/ Rebecca J. Bennett

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Notice of Removal was filed electronically on this 28th day of October, 2013. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. A copy of the foregoing was also served by electronic mail and regular U.S. mail upon the following:

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Attorney for Plaintiff Juanita McLaughlin

s/ Rebecca J. Bennett
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